

Application S/N 10/628,815
Amendment Dated: December 4, 2006
Response to Office Action dated: June 28, 2006

CE11373JI230

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REMARKS/ARGUMENTS

Claims 1-20 remain pending in the application. In the Office Action, claims 1-10 and 14-20 were allowed, and Applicant thanks the Examiner. In addition, claim 11 was rejected under 35 U.S.C. 102(b) as being unpatentable over U.S. Patent No. 6,038,238 to Jokinen, et al. (Jokinen). Finally, claims 12 and 13 were objected to as being dependent upon a rejected base claim.

Independent claim 11 has been amended to clarify that the Stop Waveform is configured to cause a receiving unit to terminate the reception of the wireless communication signal. Support for the amendments can be found on page 19, lines 17-19. No new matter has been added in view of these amendments.

Applicants respectfully submit that Jokinen does not show, describe or suggest such a feature. In particular, a voice activity detection component distinguishes the speech and pause parts of a transmission, and the state when no speech is transmitted is called a discontinuous transmission (DTX) state (see col. 3, lines 11-16). During the DTX state, the transmitter transmits noise parameters in silence information description (SID) frames, and the receiver, when receiving the SID frames, will generate noise (see col. 3, lines 19-30). The purpose of generating this noise during this non-speech time is to provide confirmation to a user that the connection has not been broken (see col. 3, lines 22-24). Thus, it is clear that the SID frames are merely intended to cause a receiver to generate noise and is in no way related to causing the receiver to terminate reception of a wireless signal. In fact, the purpose of the SID frames – confirming the existence of the connection - directly contradicts the function of the Stop Waveform, which is tearing down the connection.

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In view of the above, Applicant submits that independent claim 11 is now patentable over the prior art. Applicant also believes that claims 12 and 13, which depend from this independent claim, are patentable, both based on their dependencies and their patentability on their own. Reconsideration and withdrawal of the rejection of the claims is respectfully requested. Passing of this case is now believed to be in order, and a Notice of Allowance is earnestly solicited.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

The Commissioner is hereby authorized to charge any necessary fee, or credit any overpayment, to Motorola, Inc. Deposit Account No. 50-2117.

Respectfully submitted,

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